IN RE: PETITION FOR ADMINISTRATIVE \* BEFORE THE ZONING VARIANCE SW/S Second Road, 67.21 ft. NW \* ZONING COMMISSIONER of Elm Drive \* OF BALTIMORE COUNTY 1218 Second Road 15th Election District 5th Councilmanic District \* Case No. 94-179-A Fredric W. Shaffer, et ux Petitioners \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Fredric W. Shaffer and Cynthia A. Shaffer, his wife, for that property known as 1218 Second Road located in the Stansbury Manor subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front average setback of 9 ft. in lieu of the maximum required 11 ft. for a porch to be rebuilt, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Peti-

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management must submit recommendations which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands:
- d) Conserve fish, wildlife, and plant habitat: and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can

create adverse environmental impacts.

ORDER RECEIVED P

These recommendations have not, as yet, been submitted, but when D.E.P.R.M.'s final comments are completed, they shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, satety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2-nd day of Pecentes 1993 that the Petition for a Zoning Variance from Sections 1802.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front average setback of 9 ft., in lieu of the maximum required 11 ft., for a porch to be rebuilt, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

> > -3-

LES:mmn

ZONING COMMISSIONER FOR BALTIMORE COUNTY

## Petition for Administrative Variance 94-179-A to the Zoning Commissioner of Baltimore County for the property located at 1218 Second Road, Baltimore, MD 21220

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, lega! owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3. C. 1 72 FERMIT A FRONT AVERAGE SETBACK OF 9 FT IN LIEU OF THE MAXIMUM REQUIRED SEE SITE PLANS) FOR A THREH TO BE REDUILT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Porch is existing and was apparently built before current zoning regulations. Age is approximately 35 years and has existed as long as the original house structure. Underpin of slab is required because existing slab is cracked and lifted, creating a safety hazard. Conformance to zoning regulation cannot be met because existing house & porch are less than the required distance to the street and cannot be altered or moved to meet the 25' distance requirement. DUE TO DAMAGE + POUR APPEARANCE, WE DELICE TO CONSTRUCT A NEW AND BETTER DESIGNED PURCH. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

•		i/We do solemnly declare and affirm, under the penalties of perjuly, that !/we are thilegal owner(s) of the property which is the subject of this Petroon		
ntract Purchaser/Lessee		Legel Owner(s)		
		Fredric W. Shaffer		
pe or Print Name)		Fredom W. Shelf		
ynature		Complete A Chaffer		
kiress		Cynthia A. Shaffer		
dy .	State Zipcode	Sidhastre		
orney for Petitioner		1218 Second Road (410)687-3781		
ype or Print Nemel		Address Phone No.		
		Baltimore, MD 21220		
gneture		City State Zipcode Name: Address and phone number of representative to be contacted		
		Fredric W. Shaffer		
kiress	Phone No	Name		
		1218 Second Road (410)687-3781		
Ty .	State Zipcode	Address Phone No.		

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimare County, in two newspapers of general

Zoning Commissioner of Baltimore County

in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) docs/do presently reside at 1218 Second Road

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardehip or practical difficulty) Porch is existing and was apparently built before current zoning regulations. Age of porch is approximately 35 years and has existed as

long as the original structure. Underpin of the existing slab is required because slab is cracked andlifted creating a safety hazard. Conformance to zoning requirement cannot be met because existing house and porch are less than the required 25' distance to the street and cannot be moved or altered to meet that requirement.

That Affiant(s) acknowledge(s) that if a protest is may be required to provide additional information.	TORK CO	Л		
Brefri W. Shiff		Lynth	a a Shap	lle
Fredric W. Shaffer	· 17	Cynthia A	. Shaffer	<del></del>
Npp or print meme) STATE OF MARYLAND, COUNTY OF BALTIM				
1 HEREBY CERTIFY, this 25 tay of	OCT	19 <u>93</u> , before	: me, a Notary Publi	c of the Stat
FREDRIC W SHAFFER	CYNTH/A	A SHA	Free	
the Affiants(s) herein, personally known or satisfact that the matters and facts hereinabove set forth are	torily identified to me as: true and correct to the b	such Affiantt(s), est of his/her/the	and made oath in du ir knowledge and be	ie form of la lief.
AS WITNESS my hand and Notarial Seal.	. /	' 0	1.	

10-25-93

form & Smitana My Commission Expires: /UOU 1 199 /

**EXAMPLE 3 - Zoning Description** Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet. ZONING DESCRIPTION FOR 1218 Second Road, Baltimore, MD 21220 Election District 15 Beginning at a point on the southwest which is \_\_\_\_ (number of feet of right-of way width) wide at a distance of 67.21' northwesterly from the northwest side of XXXX (number of feet) (north, south, east or west) perbendouscofoobsk nearest improved intersecting street Elm Drive Block \_\_\_\_\_, Section # \_\_\_\_ in the subdivision of Stansbury-Manor Section IV as recorded in Baltimore County Plat Book # 13 , Folio # 138 , containing 4,944 sq ft (.113 acres) (square feet and acres) \*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location. Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Politicaer: Froduic + Cynthis Street Location of property: 1218 Serond Rd. Suls 67.11 144/ 1/m 02 Location of Signer Facing Flood way ar fromty trains review

CRITICAL

ZONNIS DEPARTMENT OF BALTIMORS COUNTY 94-179. A

Baltimore County Government

Zoning Commissioner

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (30) days of the

additional information concerning filing an appeal, please feel free to

In the event the decision rendered is unfavorable to any party, please

case. The Petition for Administrative Variance has been granted, in

date of the Order to the County Board of Appeals. If you require

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

1218 Second Road

LES:mmn

Mr. and Mrs. Fredric W. Shaffer

Case No. 94-179-A

accordance with the attached Order.

contact our Appeals Clerk at 887-3391.

RE: Petition for Administrative Variance

Property: 1217 Second Road

Baltimore, Maryland 21220

Dear Mr. and Mrs. Shaffer:

Office of Planning and Zoning

(410) 887 4386

November 30, 1993

Very truly yours,

James Golice

Lawrence E. Schmidt Zoning Commissioner

11/28/93

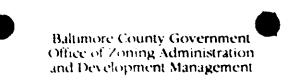
CONE 010 (1) RES VAR FILING \$ 50.00 CODE 080 (1) SION POSTING 35.00

TOTAL 85.00

OWNER: SHAFFER Las 1218 Second RD

O1AO1MOO61MICHRC

exculation throughout Battimore County and that the property be reposted



111 West Chesapeake Avenue Towson, MD 2120+

(410) 887-3353

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

a sign on the property and placement of a notice in at least one newspaper of general circulation in the County. This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for

## PAYMENT WILL BE MADE AS FOLLOWS:

the costs associated with these requirements.

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_\_ For newspaper advertising: Item No.: 184+ Petitioner: CYNTHIA & FEERIC SHAFFER Location: 1218 Second RD, BACTIMES MD 21230 PLEASE FORWARD ADVERTISING BILL TO: NAME: CYNTHIA SHAFFER ADDRESS: 1218 SECOND RD BALTIMORE, MD 21230 PHONE NUMBER (410) (86-5900 (WORK)

(287 - 3781 (home)

AJ:ggs

(Revised 04/09/93)

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

November 19, 1993

Mr. and Mrs. Fredric W. Shaffer 1218 Second Road Baltimore, Maryland 21220

> RE: Case No. 94-179-A, Item No. 184 Petitioner: Fredric W. Shaffer, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Shaffer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 28, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Printed with Soybean Into

**Baltimore County Government** Department of Permits and Licenses

111 West Chesapeake Avenue Ar Townson at Dor 21204

(410) 887-3610

Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

Director

Location:

MEETING OF NOVEMBER 8, 1993 Property Owner: Dori Eisenacher and Rick Eisenacher

**#7512** Gilley Terrace Item No.: \*178 (jjs) Property Owner: Harry H. Stierhoff, Jr. & Melanie K. Stierhoff

#305 Lenora Avenue Location: Item No.: \*179 (RT) Property Owner: Perry Hall Courts II Joint Venture

#6 Meadowbank Court

Item No.: 180 (RT) Property Owner: Regent Development Company Location: #1600 York Road

+ 182 (JJLS)

Property Owner: Rolling Road Plaza, Inc. #1100 North Rolling Road Item No.: + 183 (JCM)

Property Owner: Frederic W. Shaffer & Cynthia A. Shaffer #1218 Second Road

Property Owner: Martin Thalia Resnick & Thalia D. Resnick #11111 Verdant Road \*185 (JJS) Item No.:

Property Owner: Kathleen Ruth Hughes & Richard H. Hughes #9212 Harford Road +186 (JLL)

Property Owner: Garrison Forest Associates, L.P. #10300 Reisterstown Rd. Garrison Forest Plaza

Property Owner: Eric H. Wilderson & Kathleen Wilderson **1**2276 Monocacy Road

\* 188 (RT) Item No.: Property Owner: Location:

Printed with Baybase had on Resysted Paper

Zoning Plans Advisory Committee Comments Mr. and Mrs. Fredric W. Shaffer (Item 185) Date: November 19, 1993 Page 2

- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- 3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

**Baltimore County Government** 

Office of Zoning Administration

and Development Management

MOTICE OF CASE MUMBER ASSIGNMENT

Please he advised that your Petition for Administrative Zoning Variance has been assigned the above case

number. Contact made with this office regarding the status of this case should reference the case number and

1) Your property will be posted on or before November 14, 1993. The closing date (November 29, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file

will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive

written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Saltimore County

3) Please be advised that you must return the sign and post to this office. They may be returned after the

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD. THE

PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER

newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

closing date. Failure to return the sign and post will result in a \$60.00 charge.

WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

(410) 887-3353

WCR: cmm

111 West Chesapeake Avenue

Fredric W. Shaffer and Cynthia A. Shaffer

SW/S Second Road, 67.21' MW of Elm Drive

15th Blection District - 5th Councilmenic

1218 Second Road

1218 Second Road

Chel Jake

Baltimore, Maryland 21220

CASE NUMBER: 94-179-A (Item 184)

Towson, MD 21204

O James Lighthizer Secretary Hal Kassoff Administrator

11 5 9

Re: Baltimore County Zoning Administration and Item No.: \* / + / / / / / / Development Management

Dear Ms. Minton:

Room 109

Ms. Charlotte Minton

County Office Building

111 W. Chesapeake Avenue

Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Late Amall THAT IS M. FATTON I, POSTING "MIST John Contestabile, Chief

**Engineering Access Permits** 

My telephone number is \_\_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Armold Jablon, Director Zoning Administration and Development Management

DATE: November 5, 1993

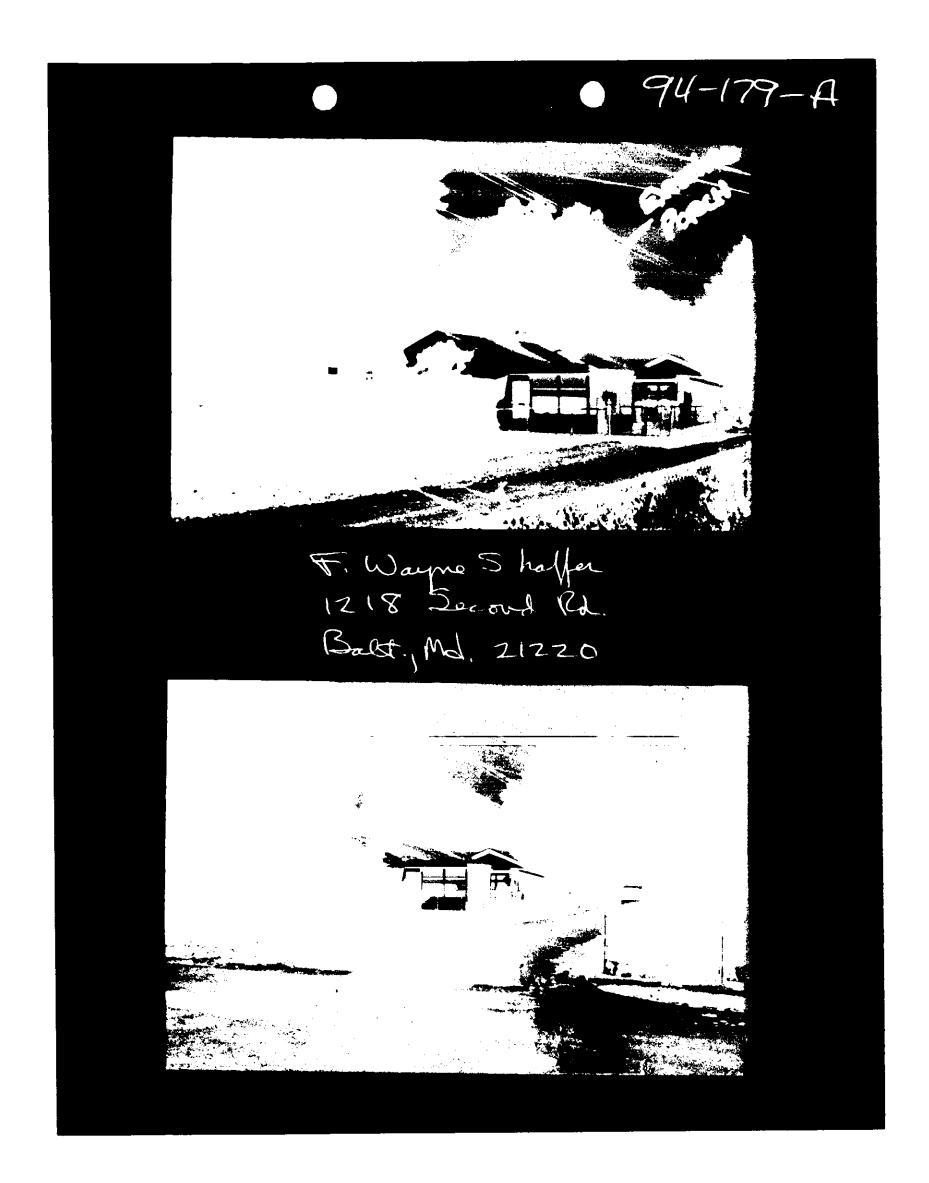
FROM: Pat Keller, Deputy Director Office of Planning and Zoning

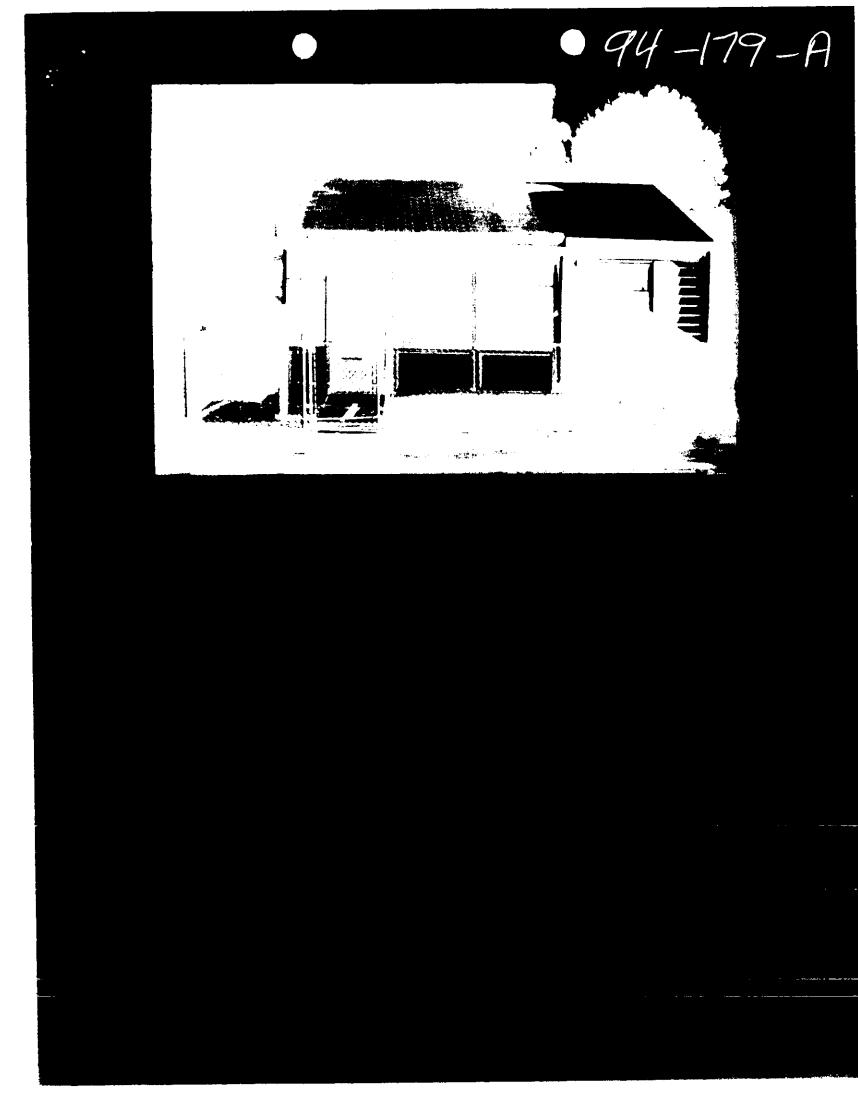
Petitions from Zoning Advisory Committee

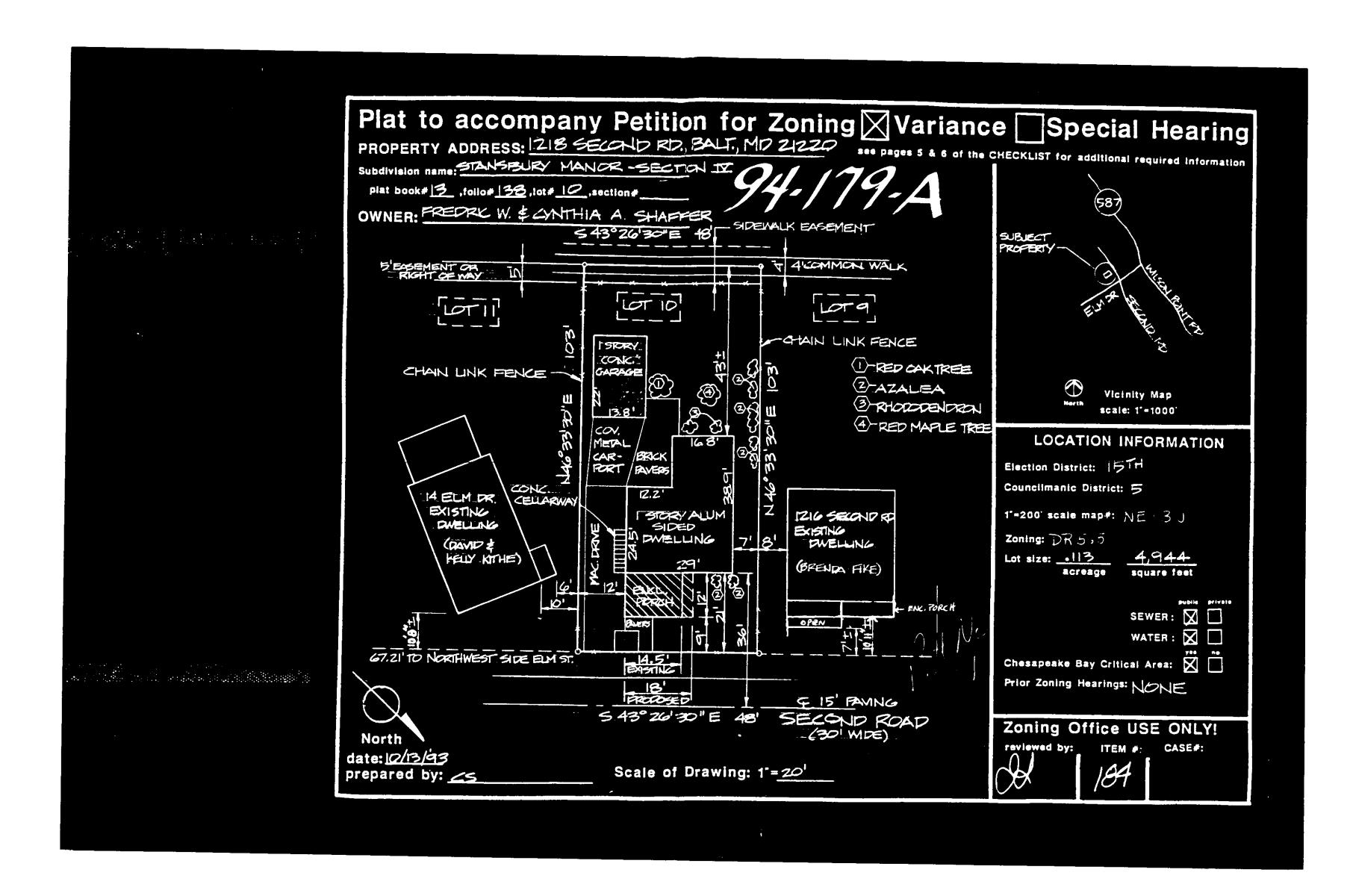
The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 179, 180, 183,

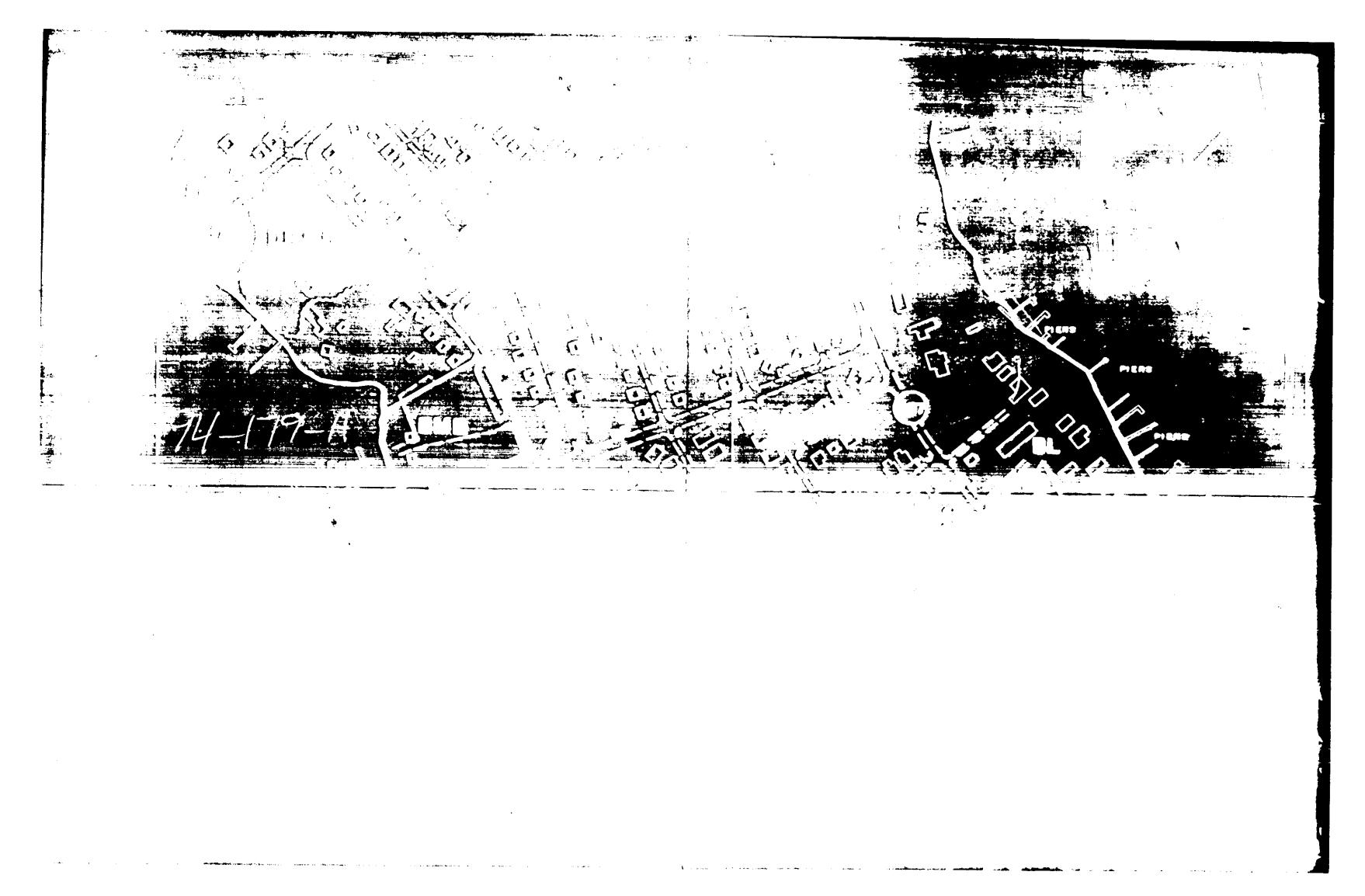
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

ZAC.179/PZONE/ZAC1









OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE 1" = 200"±

DATE HOTOGRAPHY JANUARY 1986

LOCATION SHEET GLENN L. MARTIN CO. AIRPORT

N. E.

D BY AIR PHOTOGRAPHICS, INC. URG, W.V. 25401